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10/613,027	07/07/2003	Thomas Forest	0607 1459	6585

7590 11/24/2008	EXAMINER

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 September 2008</u>.

2a)☒ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-28</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>2-7,9-13,16,18,22-28</u> is/are rejected.

7)☒ Claim(s) <u>8</u> is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

09/10/2008 has been entered.

2.   Claims 3-11 indicated allowable as contains allowable subjects matter are now

withdrawn in view of new evidence found. See the rejection below.

Claim Objections

3.   The numbering of claims is not in accordance with 37 CFR 1.126 which requires

the original numbering of the claims to be preserved throughout the prosecution. When

claims are canceled, the remaining claims must not be renumbered. When new claims

are presented, they must be numbered consecutively beginning with the number next

following the highest numbered claims previously presented (whether entered or not).

        Claims 3, 4, 16, 18, 25 and 26 are objected to because of the following

informalities: the examiner requests the applicant to clarify the preamble and the body

of the claims. For example claim 3 could be rewrite as follow:

3. (Currently amended) A method for monitoring a communication media access schedule of a communication controller in a communication system, the communication system comprising:

A communication media and nodes connected to the communication media, each node having a communication controller, wherein messages are transmitted among the nodes across the communication media based on a cyclic time triggered communication media access scheme, the method further comprising the steps of:

a) providing a priori knowledge about possible deviations from the communication media access schedule during startup of the communication; and

b) using said a priori knowledge during startup of the communication to distinguish between an allowed deviation and a forbidden deviation caused by a failure of, the communication controller, wherein during startup of the communication, at least one expectation window is defined according to said a priori information, an occurrence of further trigger signals within the at least one expectation window being monitored, and an allowed deviation and a forbidden deviation being distinguished in dependence on an occurrence of further trigger signals within the at least one expectation window and in dependence on said a priori information.   Appropriate correction is required.

Regarding claim 12, the examiner requests that the applicant add limitations of claim 3 into claim 12.

Regarding claim 27, the examiner requests that the applicant add limitations of claim 4 into claim 25.

The examiner also suggests the following language for claims 12, 13, 27 and 28 "a computer-readable storage medium storing a program having computer-executable instructions when executed by a processor to execute...."

The examiner attempts to enumerate different ambiguity in the claimed invention, but this is not considered as an exhaustive list. Therefore, the applicant obligates to correct every error in the instant application for further advance prosecution.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5.   Claims 2-7,9-13,16,18,19,22-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Temple ("Avoiding the Babbling- Idiot in Time- Triggered Communication System" June 1998).

Regarding claims 3, 4, Temple discloses a method **(Figure 1)** for monitoring a communication media access schedule of a communication controller in a communication system, the communication system comprising a communication media **(Broadcast Bus)** and nodes **(1 and 2)** connected to the

communication media, each node having a communication controller **(Bus guardian),**

wherein messages are transmitted among the nodes across the communication media

based on a cyclic time triggered communication media access scheme **(Paragraph**

2.2), the method comprising, the steps of:

a) providing a priori knowledge about possible deviations from the communication

media access schedule during startup of the communication **(Paragraph 2.2, lines 18 –**

24); and

b) using said a priori knowledge during startup of the communication to distinguish

between an allowed deviation and a forbidden deviation caused by a failure of, the

communication controller **(Paragraph 2.2, lines 18 –24 and Paragraph 3.1, lines 1- 12**

and Paragraph 3.3), wherein during startup of the communication, at least one

expectation window is defined according to said a priori information **(the time window**

for the pre-transmission phase is considered least one expectation window is

defined according to said a priori information) , an occurrence of further trigger

signals within the at least one expectation window being monitored, and an allowed

deviation and a forbidden deviation being distinguished in dependence on an

occurrence of further trigger signals within the at least one expectation window and in

dependence on said a priori information **(Paragraph 3.2, 3.4, 3.5 and paragraph 3.7).**

Regarding claims 2 ,19 and 23, Temple discloses a method wherein allowed

deviations from the communication media access schedule during startup of the

communication are represented by reset information (SR) and by a chronological

occurrence of the reset information (SR), wherein the bus guardian monitors the reset

information (SR) and the chronological occurrence of the reset information (SR) during

startup of the communication **(Paragraph 3.2, lines 39 –52). A startup test is required**

to assure correct functionality and reset signal is applied to each node in the

event of an error are considered as the same function as describe by the instant

application. The chronological occurrence of the reset signal during start up is

inherent to the system.

Regarding claims 5, 6, Temple discloses The method of claim 4, wherein a

further trigger signal (ARM) within a further expectation window defines a beginning of a

new cycle of the communication media access scheme **(Fig. 4, Paragraph 3.4).**

Regarding claim 7, temple discloses the method of claim 6, wherein said number

of further expectation windows is defined according to said a priori data **(Paragraph 3.2,**

3.4, 3.5 and paragraph 3.7).

Regarding claims 9 and 24, Temple discloses the method of claim 3, wherein for

an allowed deviation from the communication media access schedule, the expectation

windows may or may not contain further trigger signals (ARM') **(Paragraph 3.2).**

Regarding claim 10, Temple discloses the method of claim 6, wherein for a valid

schedule-reset (SR), there are no further trigger signals (ARM) within the further

expectation windows **(Paragraph 3.2, and Paragraph 3.6).**

Regarding claim 11, Temple discloses the method of claim 4, wherein for a

forbidden deviation from the communication media access schedule, there are no

further trigger signals (ARM) outside the expectation windows **(Paragraph 3.2, and**

Paragraph 3.6).

Regarding claim 12-13 and 27 -28, Temple discloses computer readable medium including RAM and ROM for storing the computer program to execute the method of claims 3, 4 **(Fig. 1)**. The nodes disclosed by temple are computer and every computer has memory (RAM and ROM).

Regarding claims 16 and 25, Temple discloses one of a number of nodes connected to a communication media **(Figure 1),** wherein messages are transmitted among the nodes across the communication media based on a cyclic time triggered communication media access scheme **(Paragraph 2.2),,** the node comprising:

a communication controller **(Bus guardian),** and

means for **(Bus guardian),** monitoring the communication media access schedule of said communication controller, said monitoring means having stored, a priori knowledge about possible deviations from the communication media access schedule during startup of the communication and means for making use of said a priori knowledge in order to distinguish between an allowed deviation and a forbidden deviation caused by a failure of said communication controller during startup, wherein during startup of the communication **(Paragraph 2.2, lines 18 –24 and Paragraph 3.1, lines 1- 12 and Paragraph 3.3),,** at least one expectation window is defined according to said a priori information, an occurrence of further triggered signals within the at least one expectation window being monitored **(the time window for the pre-transmission phase is considered least one expectation window is defined according to said a priori information)**, and an allowed deviation and a forbidden deviation being distinguished in dependence on an occurrence of further triggered signals within the at

least one expectation window and in dependence o n said a priori information

(Paragraph 3.2, 3.4, 3.5 and paragraph 3.7).

Regarding claims 18 and 26, Temple discloses a communication system **(Fig. 1)**

comprising:

a communication media **(Broadcast Bus);** and

nodes connected to said communication media, wherein messages are transmitted

among said nodes across said communication media based on a cyclic time triggered

communication media access scheme, each node having a communication controller

and means for monitoring a communication media access schedule of said

communication controller **(Paragraph 2.2),**, wherein said monitoring means has a priori

knowledge about possible deviations from the communication media access schedule

during startup of the communication and said monitoring means has means for making

use of said a priori knowledge in order to distinguish between an allowed deviation and

a forbidden deviation caused by a failure of said communication controller during startup

of the communication **(Paragraph 2.2, lines 18 –24 and Paragraph 3.1, lines 1- 12**

and Paragraph 3.3), wherein during startup of the communication, at least one

expectation window is defined according to said a priori information, an occurrence of

further trigger signals within the at least one expectation window being monitored **(the**

time window for the pre-transmission phase is considered least one expectation

window is defined according to said a priori information),, and an allowed deviation

and a forbidden deviation being distinguished in dependence on an occurrence of

further triggered signals within the at least one expectation window and in dependence

on said a priori information **(Paragraph 3.2, 3.4, 3.5 and paragraph 3.7).**

Regarding claim 22, Temple discloses the method of claim 4, wherein during

startup of the communication, at least one expectation window is defined according to

said a priori information, an occurrence of further trigger signals within the at least one

expectation window is monitored, and between an allowed deviation and a forbidden

deviation is distinguished in dependence on an occurrence of further trigger signals

within the at least one expectation window and in dependence on said a priori

information **(Paragraph 3.2, 3.4, 3.5 and paragraph 3.7).**

Allowable Subject Matter

6.   Claim 8 is objected to as being dependent upon a rejected base claim, but would

be allowable if rewritten in independent form including all of the limitations of the base

claim and any intervening claims.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DADY CHERY whose telephone number is (571)270-

1207. The examiner can normally be reached on Monday - Thursday 8 am - 4 pm ESt.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ricky Q. Ngo can be reached on 571-272-3139. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dady Chery/   /Ricky Ngo/
Examiner, Art Unit 2416   Supervisory Patent Examiner, Art
                                                             Unit 2616
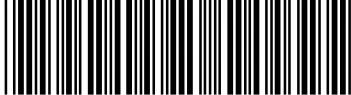
Application Number	Application/Control No.	Applicant(s)/Patent under Reexamination	
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	Examiner	**Art Unit**	
	DADY CHERY	2416	